



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
105 Trading Bay Road  
Suite 105  
Kenai, Alaska 99611-7717

PUBLIC NOTICE DATE: January 8, 2004

EXPIRATION DATE: February 6, 2004

REFERENCE NUMBER: 2-2003-1509

WATERWAY NUMBER: Kenai River 336

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Kenai Landing, Inc., 4621 West Hill Road, Homer, Alaska 99603; 907-235-0410

LOCATION: Government Lot 9, Kenai, Alaska; S  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 8, T. 5 N., R. 11 W., Seward Meridian; Latitude 60° 31' 56" North, Longitude 151° 15' 16" West. USGS Topo Map Kenai C-4 SE.

WORK: The dredging of approximately 350 - 450 cubic yards of silt from below Mean High Water (MHW) of the Kenai River, and the discharge of approximately 100 cubic yards of crushed rock and 145 cubic yards of pre-cast concrete below High Tide Line (HTL) of the Kenai River for the construction of a 32' wide by 200' long boat ramp. The construction would entail placing a 6-inch layer (100 cubic yards) of crushed, washed rock, overlaid with twelve 16' x 30' x 8" pre-cast concrete slabs and two 20' x 30' x 8" slabs (145 cubic yards). The perimeter of the ramp would be lined with a 3' - 5' wide course of 6" - 8" diameter rip-rap. The project would involve a total discharge of fill material into approximately 0.19 acre of water's of the U.S.

PURPOSE: The applicant's purpose for the proposed project is to accommodate a demand for a public boat launch facility with associated services on the Kenai River.

ADDITIONAL INFORMATION: The fourteen individual pre-cast concrete slabs would be anchored using 3-inch diameter helical style screw anchors drilled to a depth of 25'. The material to be dredged from the Kenai River would be deposited at an on-site gravel pit.

The project location is a site that was previously used as a commercial fishing cannery on the Kenai River operated by Libby, McNeill and Libby, and subsequently by Columbia Ward Fisheries (also known as Wards Cove Packing Company). The facility was closed and has not been used on several years. The applicants plan to purchase the facility and convert the existing cannery site into a "mixed use destination tidewater resort centering on the history of the 1920's era cannery and its association with the Kenai River."

The previous operators of the facility, Columbia Ward Fisheries/Wards Cove Packing Company, were issued Department of the Army (DA) permits for several actions at the cannery. The DA permits authorized the seasonal installation of numerous mooring buoys and associated anchors and chains, and the construction of docks, a travel lift, boat storage pad, and other associated facilities.

The original owners of the cannery, Libby, McNeill and Libby, also received several DA permits, which authorized the placement of fill and construction and maintenance of piers, wharfs, cannery buildings, boat ways, floats, gridirons, and dolphins.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There is an unevaluated property in the vicinity of the worksite. It has been designated KEN-00256. Because the property has been determined to lie within the project area, a determination of eligibility and, if needed, a determination of effect may be required in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project vicinity. The project is not in an area designated as critical habitat for any listed threatened or endangered species. Therefore, it has been preliminarily determined that the described activity would not affect threatened or endangered species, or their designated critical habitat under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have

determined that the described activity may adversely affect EFH for Pacific cod (adults and late-juveniles), walleye pollock (adults and late-juveniles), sculpin (adults, late-juveniles) and for anadromous salmon, as it would result in the loss of approximately 0.19 acre of inter-tidal, and nearshore sub-tidal habitat identified as or near EFH for these species. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Lisa Gibson at (907)283-3519, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest


review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

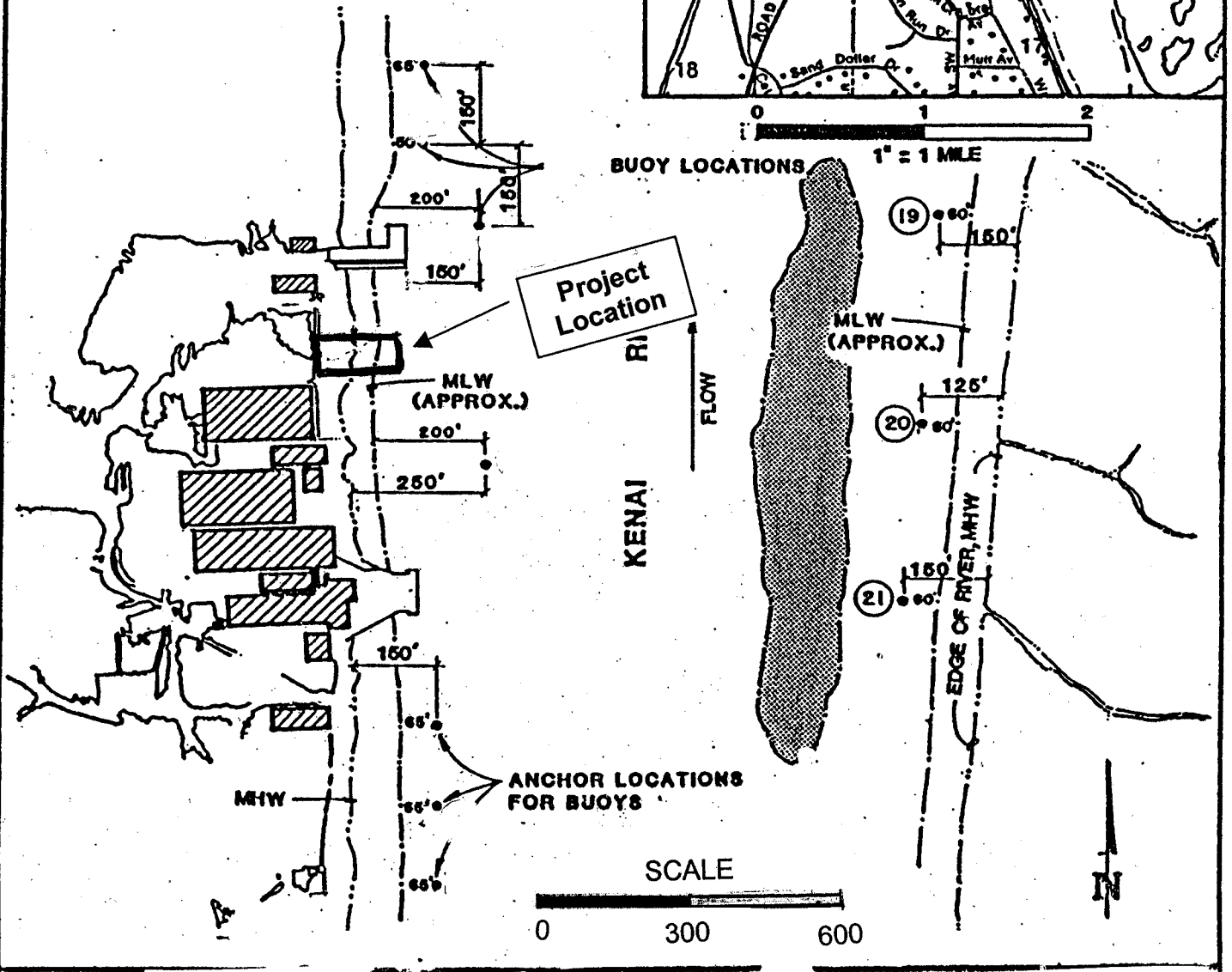
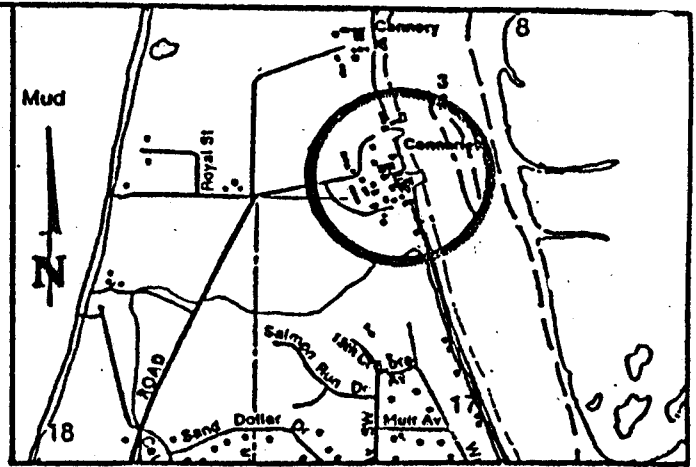
A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

**LEGEND:**

- MHW (MEAN HIGH WATER)
- MLW (MEAN LOW WATER-APPROX.)
-  SAND BAR (APPROX. AT MLW)
- 150' DIM. FROM BUOY TO MHW
- 60' DIM. FROM BUOY TO MLW



2-2003-1509, Kenai River 0336

Proposed Boat Ramp

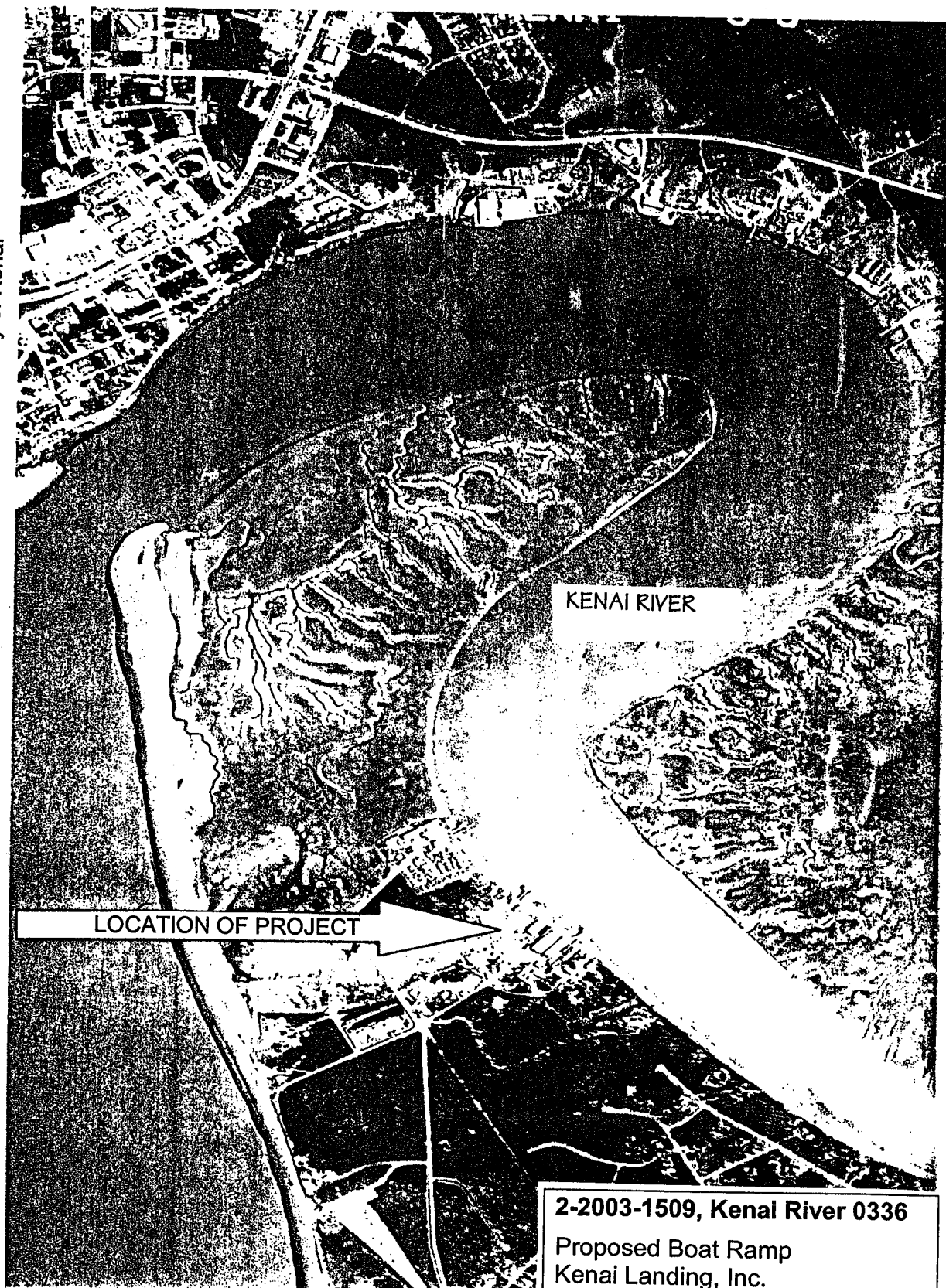
Kenai Landing, Inc.

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City of Kenai



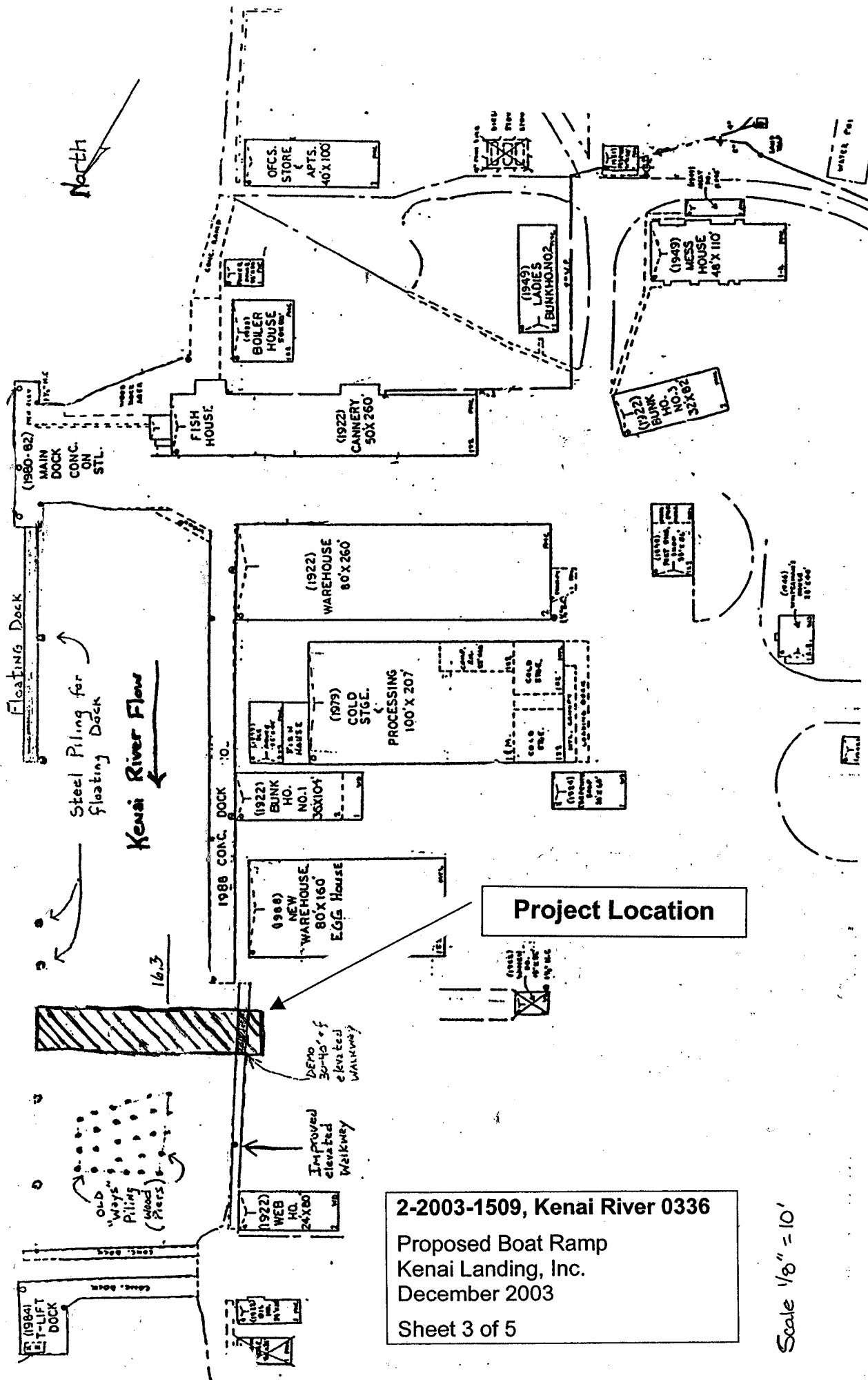
KENAI RIVER

LOCATION OF PROJECT

**2-2003-1509, Kenai River 0336**

Proposed Boat Ramp  
Kenai Landing, Inc.  
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EXISTING  
GRAVEL PARKING

THIS PORTION OF BOARDWALK REMOVED

EXISTING STEEL DOCK

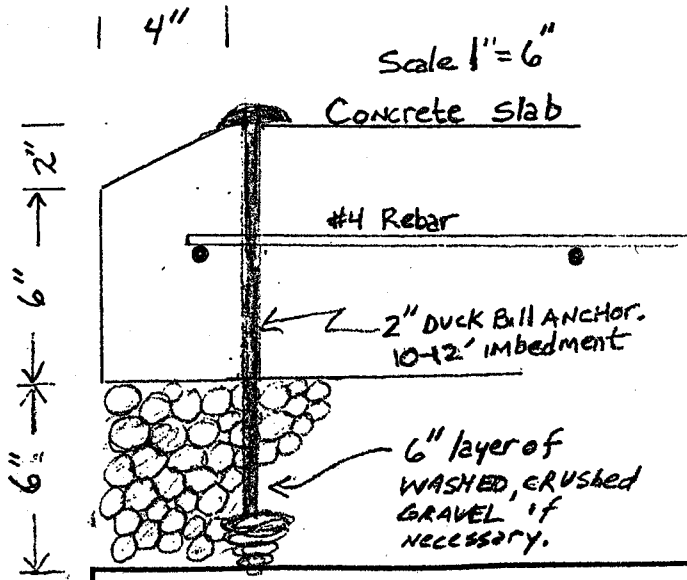
EXISTING BOARDWALK

EXISTING CUTBANK  
(APPROX. 2'-3' HIGH)  
EL: 25.5' AT BASE

8" THICK  
CONCRETE  
PRE-CAST SLABS

3'-5' WIDE  
RIP RAP

DUCK BILL  
ANCHORS

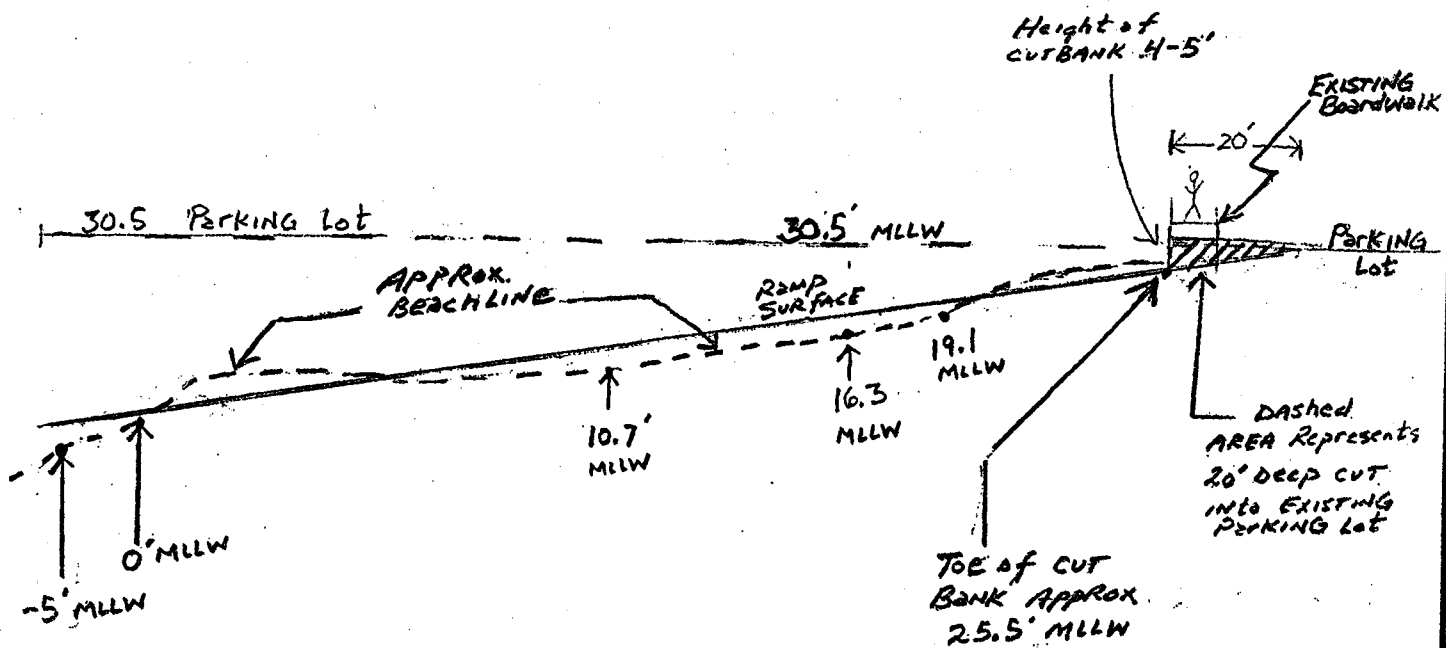


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Proposed Boat Ramp  
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# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION**

**DIVISION OF AIR AND WATER QUALITY**

Non-Point Source Control Section

401 Certification Program

**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. 2-2003-1509, Kenai River 336, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
DIVISION OF GOVERNMENTAL COORDINATION**

SOUTHCENTRAL REGIONAL OFFICE  
550 West 7th Avenue, Suite 1660  
ANCHORAGE, ALASKA 99501-3568  
PHONE: (907) 269-7470/FAX: (907) 269-3981

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **2-2003-1509, Kenai River 336**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.